

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : Criminal No. 3:19-CR-00338
:
v. : (Judge Mannion)
:
MARK ERIC ICKER : (Electronically Filed)

**MOTION TO INCLUDE DESIGNATION RECOMMENDATION FOR
THE BUREAU OF PRISONS**

The defendant, Mark Eric Icker, by his attorney, Frederick W. Ulrich, Esquire, of the Federal Public Defender's Office, respectfully requests Your Honor to include a designation recommendation for Bureau of Prisons based on the following:

1. Mr. Icker pleaded guilty to depriving constitutional rights under color of state law, in violation of 18 U.S.C. § 242.
2. In July 2020, Your Honor sentenced Mr. Icker to, among other things, serve a 180-month term of imprisonment.
3. During sentencing, counsel did not request a designation recommendation and thus one was not included in the judgment. *See* (Doc. 21 at 2).
4. Thereafter, the Bureau of Prisons ("BOP") designated Mr. Icker to surrender for service of his sentence at the Federal Correctional Institution at Oakdale, Louisiana. *See* (Ex. "A" BOP designation).

5. The BOP's policy statement respecting designation obligates it to consider, among other things, the recommendation of the sentencing court. *See* BOP Prog. Stmt. 5100.08 at Intro. & ch. 2, p. 3.

6. Likewise, Section 3621(b)(4) of the Sentencing Reform Act of 1984, 18 U.S.C. § 3621(b)(4) requires that the BOP consider the recommendation of the sentencing court when designating a place of confinement.

7. And Section 601 of the First Step Act, which amended Section 3621(b), provides that the BOP, to the extent practicable, place a prisoner within 500 miles of his or her primary residence. *See* 18 U.S.C. § 3621(b).

8. Mr. Icker's primary residence has been in Throop, Pennsylvania. *See* (PSR at ¶ 120).

9. As important, Mr. Icker's daughter resides in Dickson City, his mother in Sterling, and his father in Throop, Pennsylvania. *See* (PSR at ¶¶ 117, 119 & 120).

10. Mr. Icker's mother suffers from health issues that would make traveling to Louisiana difficult, if not impossible.

11. The current designation would also preclude Mr. Icker from seeing his daughter.

12. Based on Mr. Icker's significant family ties to northeastern Pennsylvania, he requests that Your Honor recommend that the BOP designate him to the Federal Correctional Center at Allenwood, Pennsylvania.

13. Assistant United States Attorney, Michelle L. Olshefski, Esquire, concurs in this recommendation.

For these reasons, the defendant, Mark Eric Icker, respectfully requests Your Honor to issue a designation recommendation to the BOP.

Respectfully submitted,

Date: October 6, 2020

/s/ Frederick W. Ulrich
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CERTIFICATE OF SERVICE

I, Frederick W. Ulrich, Esquire, of the Federal Public Defender's Office,
certify that I served a copy of the foregoing **MOTION TO INCLUDE**
DESIGNATION RECOMMENDATION FOR THE BUREAU OF PRISONS
by Electronic Case Filing to the following:

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Respectfully submitted,

Date: October 6, 2020

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